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9 Attorneys for Defendant

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

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13 LYNMARIE RAMISCAL, } No. 2:22-cv-1044 DB  
14 Plaintiff, } STIPULATION FOR THE AWARD AND  
15 vs. } PAYMENT OF ATTORNEY FEES AND  
16 KILOLO KIJAKAZI, } EXPENSES PURSUANT TO THE EQUAL  
Acting Commissioner of Social Security, } ACCESS TO JUSTICE ACT, 28 U.S.C.  
17 } § 2412(d), AND COSTS PURSUANT TO 28  
18 Defendant. } U.S.C. § 1920; AND ORDER  
19

20 IT IS HEREBY STIPULATED by and between the parties through their undersigned  
21 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and  
22 expenses in the amount \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED dollars) under the  
23 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and NO costs under 28 U.S.C. § 1920.  
24 This amount represents compensation for all legal services rendered on behalf of Plaintiff by  
25 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).  
26

27 After the Court issues an order for EAJA fees to Plaintiff, the government will consider  
28 the matter of Plaintiff's assignment of EAJA fees to Counsel. Pursuant to *Astrue v. Ratliff*, 560

1 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment will  
2 depend on whether the fees are subject to any offset allowed under the United States Department  
3 of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will  
4 determine whether they are subject to any offset.

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
6 that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees,  
7 expenses and costs to be made directly to Counsel, pursuant to the assignment executed by  
8 Plaintiff. Any payments made shall be delivered to counsel.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
10 attorney fees, and does not constitute an admission of liability on the part of Defendant under the  
11 EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and  
12 bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating  
13 to EAJA attorney fees or costs in connection with this action.

14 This award is without prejudice to the rights of counsel and/or counsel's firm to seek  
15 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause  
16 provisions of the EAJA.

17 Respectfully submitted,

18 Date: January 4, 2023

/s/ Francesco Benavides\*  
FRANCESCO BENAVIDES  
(as authorized by email on Jan. 4, 2023)  
Counsel for Plaintiff

21 Date: January 4, 2023

22 PHILLIP A. TALBERT  
United States Attorney  
23 MATHEW W. PILE  
Associate General Counsel  
24 Social Security Administration

25 By: /s/ Ellinor Coder

26 SAUSA NAME  
Special Assistant United States Attorney  
27 Attorneys for Defendant  
Social Security Administration

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2                   **ORDER**  
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4     Based upon the parties' Stipulation for the Award and Payment of Equal Access to  
5     Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees and expenses in the amount  
6     of \$7,500.00 as authorized by 28 U.S.C. § 2412, and no costs as authorized by 28 U.S.C. § 1920,  
7     be awarded subject to the terms of the Stipulation.

8     DATED: January 5, 2023

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10                    /s/ DEBORAH BARNES  
11                    UNITED STATES MAGISTRATE JUDGE  
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